



**Members Present:**

Dave Browning, Mayor  
Ryan Liang, Council Member  
Ron Jarriel, Council Member  
Dr. J. William Louda, Council Member  
Dennis Lipp, Council Member

**Members Absent:**

None

**Others Attending:**

Dr. Irv Rosenbaum, Interim Town Manager (NCS)  
Matthew Lippman, Interim Town Clerk (NCS)  
Michelle Kantor, Interim Assistant Town Clerk (NCS)  
David Tolces., Esq., Town Attorney  
Members of the Public

---

**1. – 4.      Call to Order/Roll Call/Pledge of Allegiance/Invocation**

Mayor Browning called the meeting to order at 7:00p.m. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

Mayor Browning moved to Item #5.

**5.   Approval of Agenda**

**Councilman Lipp made a MOTION to approve the amended Agenda, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.**

Mayor Browning moved to Item #6.

**6. Appointment of Mayor and Vice Mayor to serve for the term of 4/7/09 to 4/6/10**

**Councilman Louda made a MOTION to appoint Dave Browning as Mayor, SECONDED by Councilman Jarriel and the MOTION passed unanimously 5-0.**

**Councilman Jarriel made a MOTION to appoint Dennis Lipp as Vice- Mayor, SECONDED by Councilman Liang and the MOTION passed unanimously 5-0.**

Mayor Browning moved to Items #7-#11..

**CONSENT AGENDA:**

- 7. 03-03-09 & 03-17-09 Town Council Meeting Minutes: Approval**
- 8. 03-2009 Town Attorney Invoice: Approval**
- 9. 03-2009 & 04-2009 Town Financials: Approval**
- 10. Multi-Jurisdictional Issues Coordination Forum ILA (IPARC): Approval**
- 11. Comprehensive Plan Amendment Coordinated Review ILA (IPARC): Approval**

**Vice-Mayor Lipp made a MOTION to approve the Consent Agenda, SECONDED by Councilman Liang and the MOTION passed unanimously 5-0.**

Councilman Louda noted that during his Council Member Comments he would be discussing the Minutes from the meeting on March 3, 2009 that he was absent from.

Mayor Browning moved to Item #12.

## **REGULAR AGENDA:**

### **12. Short-Listed Firms for RFQ 2009-001 (Environmental Regulations)**

- a. Calvin-Giordano & Associates**
- b. Crossroads Environmental**
- c. Gentile, Holloway, O'Mahoney, & Associates, Inc.**
- d. The Mellgren Planning Group**
- e. Miller Legg**

Town Clerk Lippman said you have the history of Item #12 in your Agenda Packet and it has been a long process to which you have narrowed it down to 5 firms. He said in your Agenda Packet you received a price proposal from each of these companies to go along with their Scope of Services. He said the 5 companies will make a 3-5 minute presentation and after that the firm that receives the most votes we would ask you make a MOTION to direct Town Staff to negotiate a contract with that firm.

Vice-Mayor Lipp said I still feel very strongly on the matter that I think we have enough talent within the Town to get this job done between Town Staff and the Town Attorney to get this done, because when it comes down to having somebody who doesn't live here interact with our Community, I think we can find members of our Community who can go out and reach out to our neighbors and help them to get their properties in order and be part of the ERM cycle and basically handle it in house, because all I see is big money being spent, and Councilman Autrey brought this up at the last meeting that none of these companies have brought up in these proposals how to implement any of this, and as we found out with Code Enforcement, implementation is a big chunk of change, and so I think if we can find a citizen's committee that can meet together with Town Staff on a routine basis. He said I read through what the Town Attorney did with Article 14 of the ERM codes from the December 16, 2008 Minutes and he did a good job. He said it is something I feel strongly about.

**Vice-Mayor Lipp made a MOTION to bring Article 14 in house and do it with the Community and the Community support, and with the support of our Town Staff and Town Attorney, SECONDED by Councilman Jarriel and discussion was then opened:**

Mayor Browning said it is kind of irregular because our past Council obviously voted to bring it forward and get the RFP's. He asked where does that leave us with the people coming forward.

Town Attorney Tolces explained the essence of the MOTION would be to terminate the RFP and reject the bids and to direct Town Staff to form a committee and draft whatever Environmental Regulations you feel are needed.

Town Clerk Lippman responded I highly respect everybody's angle on this, but I am not in favor of that for a few reasons. He said one, we were successful in bringing in a firm to do the Strategic and Visioning Plan, someone from Gainesville and we brought another firm inform Broward County for the Comprehensive Plan. He said these firms that come before any municipality, you are never going to get a firm that lives in the municipality that they are contracted in to do the work. He said this is a very unique Community and we have gone

through about 4 months of planning for this and with a contract form of government, Town Staff does not have the resources to do this. He said this is a big endeavor and it is very important to the Community and we do have very qualified types of firms who can handle this agreement. He said I think that with these firms that have come forward today, it is more appropriate for them to be interviewed and negotiate a contract.

Mayor Browning asked are we on a timeframe to get this done.

Town Clerk Lippman responded from a time frame perspective for the last six months we have had no regulations or ways of enforcing them and with the storm season coming I would say it is highly important in my opinion.

Councilman Louda said I am 100% against getting rid of this. He said we need outside people to oversee us and to suggest what is going on because if we do this in house what I see coming out of it is clear cutting and pollution. He said I see no guidance that we would have anything called Environmental Land Development Regulations-it would just be Land Development period. He said we need guidance from outside, we can't see the forest from our own trees, it has to be written in a certain way and we need to have something that fits our neighborhood. He said I can't see doing this in house and we've got to come up with something because water that goes out of this District is going to be analyzed. He said we are going to have to watch phosphorus very closely. He said clear cutting can't happen without some type of mitigation and we need to protect our water because if our suficial waters fall under a certain cleanliness or they become polluted and we are forced to go on city water then we all pay. He said we do not have the expertise in house to do this.

Vice-Mayor Lipp said I was reading over the Minutes and I think the Town Attorney commented about water and it does not fall under the ERM regulations.

Town Attorney Tolces commented that is correct.

Vice-Mayor Lipp said so none of these firms here have anything to do with the water. He said to spend at minimum \$5000.00 and at maximum \$13,000.00 to \$20,000.00, how is the ongoing program going to go because I think that is where we need the ongoing volunteers, because Chapter A is already written and it just needs to be tweaked a bit. He said I hear what NCS is saying about how we only have so much, but we got the 1st part done from comments that three of the Council Members sent in. He said so I am not certain we need to spend \$5,000.00 to get this done because the water quality is not part of it and is not under ERM.

Councilman Louda said the way land development affects water, nurseries, they have to have water retention on the land and that affects the other water.

Vice-Mayor Lipp said I don't disagree with you.

Councilman Louda said what I am trying to do is make sure that we get out the other end with the Comprehensive Plan, ERM, Code Enforcement something that is clear, well written, well defined that fits our Community with citizen input, but I don't think the citizen's are the ones who should be doing the actual oversight organization, they are too close to the problem.

Town Clerk Lippman said if you refer to Master Page 124 in your Agenda Packet you will see there is an addendum that I sent out on March 25, 2009 and Item #5 is emphasized to all the firms. He said #5 needs to include, the system of management, implementation, and enforcement of the amended ERM need to be developed and presented as part of this project.

Councilman Jarriel said as a new Council Member it would bother me that all these people came tonight to make a presentation, to me it is wrong that they have taken the time and the effort and I agree with Vice-Mayor Lipp in the future we need to do things in house, but with the time and effort these people have put in here, I feel that we need to listen to them tonight.

Mayor Browning asked for comments from the Public.

**Marge Herzog, 966 A Road-** said I think time is of the essence. She said we have been talking about this for a long time. She said we need to get it done, there are 10 acres clear cut already off of Compton Road and how many more are going to be clear cut before this citizen's committee that Vice-Mayor Lipp wants would be activated to complete this job. She said and the other thing is, this would be a black eye on the Town if at this point in time we pulled the rug out from under these people who have spent a long time preparing this material, so let's not have a black mark on Loxahatchee Groves.

**Elise Ryan, 3508 A Road-** said I have looked through the Article that they are going to be reviewing and I think that the concern that some of us had as residents was not so much the expense, but to make sure that this was relevant to Loxahatchee Groves and that we had a process that was simple enough that we would be able to implement and we just don't know what these firms are going to do and it somehow never gets back to citizen input and we have had residents of this community come up here and say they have problems with the process. She said I kind of resent the implication that there are some of us out there that would want to clear cut the Groves, and I think that kind of mentality really needs to stop in Loxahatchee Groves, we are one Community and not taking one group and dividing them. She said I really feel that this Town is united in what they want to see happen here and I don't think there is any movement within the Groves to do any clear cutting or pollution. She said as Vice-Mayor Lipp said, the changes to the existing document are going to be very minor, but some of us had some problems with the way PBC is handling the process right now, it is quite costly and quite time consuming. She asked so how are these firms going to really know what we want and what we expect if we don't tell them, so I guess my recommendation here would be that we allow these groups to present, but we defer voting on the bid until after we have the opportunity to appoint some people to look at it and it sounds to be the expertise might be required in the implementation so their efforts are not wasted. She said especially for some of the people here who have been harmed by the ERM process as is existed in the past.

**Vice-Mayor Lipp withdrew his MOTION, and Councilman Jarriel withdrew his SECOND.**

Councilman Louda said is what Ms. Ryan just said and it is #5 on this Memo and I fully agree with her that we should have a citizen's group and I also want to make it clear it is not a particular group that is clear cutting. He said I see developers at the top that will feed it somehow in the future.

Town Clerk Lippman said I just need to clarify for the record we were very specific and all of the concerns that have come up by these citizens this evening are accurately described in there and I can tell you one of the hardest things to do in this Town were the Visioning and the

Comprehensive Plan and the Council and Staff made sure all the citizens were heard. He mentioned that typically the other firms do leave the room but they are not required to.

The following groups then did power point presentations for the Council and answered questions.

**Calvin-Giordano & Associates**  
**Crossroads Environmental**  
**Gentile, Holloway, O'Mahoney, & Associates, Inc.**  
**The Mellgren Planning Group**  
**Miller Legg**

After the presentations, the firms were ranked 1-5 and turned in to Town Staff for a tally.

Town Attorney Tolces instructed the Council to put their names and date on their forms.

***A BREAK WAS THEN TAKEN AT 8:32PM AND THE MEETING RESUMED AT 8:42PM.***

Mayor Browning asked for comments from the Public.

**Alan Tobin, 2141 B Road-** said my question is for all of the applicants and any of the Board Members. He said any of us who have dealt with ERM here it has been devastating. He said my wife and I still have some unresolved issues regarding mitigation and asked how do you plan to deal with that.

Town Clerk Lippman said in the first meeting that Councilman Louda and I attended in speaking with ERM, there are some outstanding cases that are currently in process and until the Town takes on its own regulations and firm, it is technically in limbo and the Town would then take up where the County left off and then we would review it the Council or Planning firm would choose to enforce it or drop it.

Mr. Tobin said I don't want to try my case here but you will be seeing me in the future.

Town Attorney Tolces said I don't want to give anyone a false sense of hope but we would certainly work with whoever you retain to work with the County on any cases that are outstanding to make sure they are properly handled, whether or not they are dismissed.

Councilman Louda asked does the County retain the authority to follow up on their unresolved cases.

Town Attorney Tolces responded right now the County is operating under the direction that they don't have any authority to do anything with the Town right now, so we need to get with the County to find out exactly the status of the cases to find out whether the Town would even want to commence a new case or close out the existing cases, but that is all part of the process.

Town Clerk Lippman said all open files would come in possession of the Town and be dealt with then.

Town Clerk Lippman announced we have the top 2 firms ranked and they are Calvin-Giordano and Mellgren Planning Group.

Mayor Browning decided to have the Council rank those 2 firms again.

Vice-Mayor asked can I ask the 2 firms just one question, with Community input I would like to see at least 1 Workshop and Councilman Louda said 2 Workshops.

Both firms agreed to 1-2 Workshops.

Councilman Louda said the reason I said 2 is they get the input from the 1st one and then come back and have the Community come back and say did you get it?, did it take the first time?

**Councilman Louda made a MOTION to authorize Town Staff to negotiate an agreement with Calvin-Giordano, the first ranked firm, to amend the Town's Environmental Land Development Regulations (referred to as Article 14 of the Unified Land Development Code, SECONDED by Councilman Jarriel and the MOTION passed unanimously 5-0.**

Town Clerk Lippman said I want to thank all of the firms again and I think we had the opportunity to meet a lot of great firms again and we hope to see them again when we do the RFQ for Land Development Regulations.

Mayor Browning moved to Item #13.

### **13. Fire Rescue Alternative Funding**

Town Clerk Lippman said I had the opportunity of speaking with Councilman Jarriel and he brought to my attention Senate Bill 1000/HB365. He said he brought it forward because he would like the Town to show our support.

**Fred Angelo, 1st Legislative Vice President Professional Firefighters and Paramedics of Palm Beach County-** introduced himself and said we service the Loxahatchee Groves Community and 22 other municipalities in PBC and seeing what was on the horizon for tax reform and in looking at the current economic situation, 2 years ago we recognized that Ad Valorem funding would not continue our quality fire service, so we started looking at alternatives, and through that we came up with a solution to diversify the funding and what we did was we came up with a solution for a surtax which is a sales tax that would have to go to a referendum countywide and the difference between this surtax and pretty much all the others that you've heard about is the amount collected on the surtax countywide offsets the Ad Valorem tax. He said it would offset the residents of Loxahatchee Groves by 2/3. He what we are doing here today is asking you to draw up a Resolution in support of our Senate Bill 1000 and as we come back here locally the men and women who service you through the union are going to spend about 1 million to 1.5 million just to push this issue to offset this Ad Valorem. He said we all would like to see lower taxes on our property and this is one way we could do that.

Councilman Louda said since you said there would be a 2/3 reduction in what your bill is and said that equals 1% so to make that up you would have to buy and pay an extra .1 cents sales tax on \$60,000.00 worth of stuff.

Mr. Angelo responded correct and it only applies to the first \$5,000.00 of the stuff.

Councilman Louda said I think this is pretty much a no brainer.

Councilman. Jarriel asked how many other cities are supporting you right now.

Mr. Angelo responded we are currently on the Agenda for 11 municipalities this month and this is our 1st stop.

Vice-Mayor Lipp asked if these are both off setting do you see this as a better way to keep up with expenses.

Mr. Angelo said under Amendment 1 which was passed two years ago you can only raise millage by the CPI, so under this scenario we would still only be able to raise the millage by the CPI but as the cost comes down you are still allowed as a government to continue to raise the millage. He said under this scenario this surtax would kick in and keep the millage low.

Councilman Jarriel said a lot of fire departments are talking about lay- offs and cutting back and shutting stations down and asked if you get this Bill passed how will that affect manpower.

Mr. Angelo said without this Bill on the 2011 Budget we are looking at 300-400 layoffs and we are currently have about 1900.

**Vice-Mayor Lipp made a MOTION to direct Town Staff to draft a Resolution supporting the Fire Rescue Diversified Funding Act (SB1000/HB365) to be transmitted to the appropriate legislative bodies and agencies, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.**

Councilman Louda said I like this because it puts a little burden on the tourist.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #14.

#### **14. Master Road, Equestrian and Greenway Trail Plan**

Town Clerk Lippman said in August we had the opportunity to make a decision to go through with a very extensive study which would provide a good foundation for our future. He said in working with Calvin-Giordano they have come up with a final document and at this point we will



have Jeff Maxwell comment on it. He said this is a tool that we need to use as guidance for a very long time.

**Jeff Maxwell, Calvin-Giordano-** said as Matthew mentioned this has been a lengthy process and we started back in September with our 1st Public Workshop and we had the last one in February of this year. He continued to go over the highlights of the Plan and said the main objective of the report was it was a traffic operational analysis and we wanted to determine how well the roads are working now and how they will work in the future. He said to do that we created a traffic simulation for all the major intersections and roads throughout the Town. He said what we found is, and what you are looking at is the existing conditions and the level of service the yellow dots are acceptable and the pink and red dots are less than acceptable or even fail. He said the failures are telling you that you might have a difficult time getting onto Okeechobee because the delay is so significant. He showed the future and said we now have several failures at intersections and what we are recommending in the report is to install a roundabout at F Road and Okeechobee and at B Road and Okeechobee and to do service treatments for B Road both North and South of Okeechobee. He said this would make traffic flow much more efficiently through the Town. He said just one other point on that, we did the traffic signal warrant study and we determined that traffic signals were not warranted at those intersections but we did not do a roundabout analysis study yet that still needs to be done and is a little more involved and would be the next step you would need to take.

He said we are currently finalizing the SR80 access control Plan and we anticipate giving you that information shortly. He explained the MREG focused on all the intersections throughout the Town and the SR80 access control Plan looked at only SR80. He said we were approached by a couple of the short listed firms that are going to be looking at widening SR80 from 4-6 lanes and my position with them is that as far as the Town is concerned we would like to see DOT provide a frontage road within their right of way so you would have access to your properties without having to go to the County highway, and there is plenty of room to do that and that is something we will continue to work with DOT on to make sure they incorporate that into their plan.

Town Clerk Lippman from my point representing the Town we did express the same concerns we had them which is making sure they knew, and Vice-Mayor Lipp has expressed this several times, when driving down SR80 you want to know you are in Loxahatchee Groves and not a cookie cutter municipality.

Vice-Mayor Lipp said to me an access road along the Northern edge of Southern Boulevard makes Southern Boulevard an 8 lane road. He said when we were talking through this, we were looking at creating Tangerine as being our internal road to service the Town and we could then have a limited amount of Commercial along Tangerine that might create trip capture. He said we have no idea if it will or not, and just from my point of view using State money to improve Tangerine would be better spent for the Town, as opposed to creating an access road which then becomes an 8 lane SR80.

Mr. Maxwell responded they may be willing to work with you on that but the only problem for you is that they would restrict all of your access to SR80. He said and it was my understanding the Town wanted to avoid that internal traffic.

Vice-Mayor Lipp said when you look at the roads that go through now, F, D, and B, it is not a lot of roads and if you put the extra park entrance in there, which I understand is going to happen eventually, I don't see where it is that much more than we currently have.

Mr. Maxwell said I am only speaking from a technical stand point in what makes the traffic flow better but I understand your point and it is certainly a valid point.

Town Clerk Lippman said my understanding is that this road is not a continuous road that runs A-F Road and it starts and stops.

Mr. Maxwell said I would not see it as a continuous thoroughfare.

Town Clerk Lippman asked is this in place of an option to have Tangerine as a collective road or in addition to.

Mr. Maxwell responded in addition to.

Town Clerk Lippman asked so the concept of the Town Visioning to have Tangerine could still exist. He said so we could merge both concepts.

Councilman Louda said I would like to see both because the access road is in a start stop mode right now and would service our existing pattern of development. He said if you cut all those out from access from Southern the properties are not set up to be serviced that way. He said I see Tangerine as opening up the new stuff from the back where you could flip it over and possibly go to the North side of Tangerine if we develop that way in the future. He said I think we are going to run into a lot of problems with FDOT wanting us to have them build a road on our land rather than on their land. He said there right of way acquisition problems I could see. He commented your slide with the horse equestrian trail did not reflect reality at all.

Mr. Maxwell responded it is not to scale.

Councilman Louda said I am really disappointed in the equestrians in this Community for not having a unified body get their input in because all I hear is complaints. He said I want to see them come forward. He said if they want this to help them, they need to come forward and tell you or us what will work. He said telling us what won't work doesn't help. He then asked about the frontage road.

Mr. Maxwell said my personal preference is to never give up any access and my recommendation to the Town would be to keep any access you can get.

Councilman Louda said it is almost completed from the hospital to F Road.

Councilman Louda asked are we getting an update on the park.

Town Clerk Lippman said George Webb does have it and an email I got said the project should be completed by July. He said when it comes to the equestrian trails we did get some input and the way I see it is even though you see a cookie cutter picture of the lettered roads, we recognize that they are all different and we will work together on each easement to do something different and we will work with the LGWD and are pursuing grants and right of way

acquisition as well. He said each trail is going to be unique and different and it won't be a cooker cutter approach.

Mr. Maxwell said and that was really one of the points in the study that we don't have complete right of way information.

Councilman Louda asked how much land at each intersection would be required to do the round- about.

Mr. Maxwell said we did a very cursory layout of a roundabout at B and Okeechobee and we came up with a very complicated design.

Councilman Louda asked and you ran that by Clete.

Mr. Maxwell responded no, it is just a rough estimate.

Town Clerk Lippman noted Staff will be asking for more direction on that item on the next Agenda Item tonight.

Councilman Jarriel said the one thing I don't agree with is the roundabout on B Road and mainly because we have a lot of equestrians that want a good equestrian trail and I know A Road has more easement on the west side of the canal. He said I don't like the idea personally and I thought the residents of Loxahatchee didn't like the idea of a lot of through traffic and I would prefer to do away with that. He said you have a lot of Wellington people who use that now. He said I think it would be too costly to the Town to try and come up with an equestrian trail and all that stuff.

Mayor Browning asked for comments from the Public.

**Clete Saunier, LGWCD Administrator-** said I just wanted to say thank you Matthew and Jeff for their efforts in working with me prior to the presentation of the report. He said the question I have is that is a very nice plan and my question is in the Comprehensive Plan it is mentioned and referenced in many places, so how does the MREG Plan tie in to the Comprehensive Plan and does it carry the same weight. He asked whenever you do an amendment to your MREG Plan do you have to amend your Comprehensive Plan.

Town Attorney Tolces responded you wouldn't have to amend your Comprehensive Plan if you wanted to amend or modify the MREG in some way.

Mr. Saunier responded I'm not sure if that is a good idea. He said if you are referencing it in the Comprehensive Plan that does carry quite a bit of weight and if you do a policy change in your MREG without some public hearings and workshops that might be a little fuzzy legally in my opinion. He said I just thought I would bring that out.

Councilman Louda asked since the MREG isn't finished and the Comprehensive Plan is at DCA for approval does it even carry that weight.

Town Attorney Tolces said you refer to the MREG in your Comprehensive Plan to help address the objectives, goals, and policies that you set in your Comprehensive Plan so you will use the

MREG Plan to reach those goals. He said what I would suggest if this is the Final MREG in order to give it a formal stamp of approval that you have a Resolution drafted that lays out the predicate to adopting the MREG and this is the Council's effort to address these issues relating to greenways, roads, and trails throughout the Town and if you ever do feel the need to revise the MREG Plan that you would have to some revision by Resolution.

Councilman Louda asked which Plan.

Town Attorney Tolces responded the MREG Plan, the Comprehensive Plan is governed by State Statute.

**Marge Herzog, 966 A Road-** said the question of what did the Community want as far as a service road goes back to the LGLA and the Rural Vista Guidelines and I believe the standard for service roads is included in there with specifications. She said yes the LGLA does support having a service road in front of the commercial properties. She said as far as Tangerine we've never made a stand on what we would like to see on Tangerine, but I would think that a walk able street would be more appropriate than a high speed interlinking east to west road. She said I would see rear access from Tangerine into the Commercial establishments as something that would benefit the residents. She said on the flip side the FDOT has no plans for the service road. She said when we had the meeting down in Fort Lauderdale and brought up the subject, they were even surprised that there was a dirt road connecting the Boonies' plaza, so you are right Councilman Louda, there would have to be a lot of acquisitioning.

**Linda Kern, 13576 Fox Trail-** said I have to admit I don't attend all the meetings and the workshops, but what is the problem with slowing down the speed limit signs. She said how do we tell people that went past us at 30 miles an hour that I'm doing the speed limit. She said when it came to F Road, I didn't want it paved because I thought it would encourage traffic but I was totally wrong because of all the speed humps the traffic has lessened.

**John Ryan, 3508 A Road-** said following up on one of Councilman Louda's comments, we've got a scheduled workshop for the equestrian trail on North Road Canal set up for May 2, 2009 and we are trying to get as many different equestrians as possible with all their different views to help us reach some knowledge and sense.

Councilman Louda said I will have written comments for that but I won't be there.

**Councilman Louda made a MOTION to authorize Town Staff to draft a Resolution accepting the Final MREG Plan, SECONDED by Councilman Jarriel and the MOTION passed unanimously 5-0.**

Vice-Mayor Lipp said I just did a quick scan of the adopted plan and MREG appears in there twice in the introduction.

Town Clerk Lippman noted there is some additional information in your Agenda Packets that was submitted by Ken Johnson and the residents of B Road. He said there is a petition asking the Town to consider improving South B Road with the Town's assistance.

Mayor Browning moved to Item #15.

**15. Participation in PBC L.A.P. Funding Cycle for Okeechobee Blvd.**

Town Clerk Lippman said this is a continuation of Item #14. He said we had an opportunity to work with the PBC MPO and FDOT on Federal Stimulus Package projects and we did not meet the Federal criteria as I reported to you about 4-6 weeks ago. He said at this point, Jeff Maxwell recommended that we talk about maybe about getting involved with the LAP process with the County. He said as we talked earlier, there are no municipalities in PBC that are LAP certified with the County, it is too costly and lengthy, but there is an opportunity with the funding cycle with the County to use their LAP certification as an umbrella to come in and work with them. He said what we are looking for this evening, is just a brief explanation of what Jeff is trying to do and we need some direction to proceed to the next step and it wouldn't be necessarily getting a quote on it, but let's come up with a scope of what we need to do and possibly set up a meeting with the County just to find out where we stand on a decision and at that point should the Town want to pursue the certification from them then you can either contract with the firm that is doing it now or you can choose to out for bid. He said if you are looking to get the final implication of doing the certification, I would recommend you make a decision first whether you are going to go with the firm who is doing it now or if you want to go out for bid.

Mr. Maxwell said if you choose to pursue the roundabout options from the MREG Plan, the 1st step you need to take is you need to meet with the County and present them with the Roundabout Warrant Analysis for each of those 2 intersections. He said the next step is to complete the roundabout analysis for both of those intersections and pursue it with the County and get their support. He said once you have the support of the County you'll need the support of MPO and the next available window to get on the TIP for the Palm Beach MPO is August of this year, so you want to make sure it is complete by early July so you can get on the TIP consideration by August. He said once you get on the TIP it is considered funded and the level of funding varies, but in roundabout cases they are usually ranked pretty high on the scale as Public Safety Concerns.

**Vice-Mayor Lipp made a MOTION to authorize Town Staff to enter into an agreement with Calvin-Giordano for Roundabout Warrant Analysis for B Road and F Road at Okeechobee, SECONDED by Councilman Liang and discussion was then continued:**

Vice-Mayor Lipp said I think the thing here is what we need to focus on is safety on Okeechobee is a problem. He asked can you share the average speed on Okeechobee.

Mr. Maxwell responded we found that 66% of all vehicles traveling on Okeechobee are traveling at 55mph or higher. He said so it classifies as a very unsafe corridor and something really needs to be done.

Vice-Mayor Lipp asked Councilman Jarriel, how many wrecks did you have on Okeechobee while you were working.

Councilman Jarriel responded Okeechobee is getting to be more popular than Southern Boulevard. He said and the residents are the ones suffering, not the ones flying through it. He said Town Clerk Lippman and I met with a PBSO officer who is going to be handling this new district out here and we are going to get a record of accidents and fatalities in Loxahatchee Groves from him.

Mr. Maxwell said we did put together a safety analysis in the MREG but we didn't have accident or fatality information for that and if we can combine those elements it will make it a very compelling argument.

Councilman Jarriel asked we will combine those elements.

Councilman Liang said you mentioned that we failed to meet the signalization criteria and I remember when I spoke to you, you said by how little we missed it by, and asked could you tell everybody how close that was.

Mr. Maxwell responded it varies at each location and at each time of day. He said at one location it was 15 cars per hour shy. He says we still have a ways to go. He said I really think the roundabouts will be your best bet at this point and given the compelling speeding evidence and if you have injury and fatality information that I can use as well, that makes a very compelling argument.

Councilman Louda said the problems on Okeechobee go back a long way. He asked when you do the Warrant Analysis, before we go to County do you come up with a cost analysis also so we get an estimate of cost going forward.

Mr. Maxwell responded I will probably do that for you internally, but they usually want to see the warrant analysis first.

Councilman Louda asked have you had any indication or feedback from the County at all how they would look at this interrupting Okeechobee on the County thoroughfare map that shows it still going out and linking up with 880.

Mr. Maxwell said to be honest with you this is going to be a little bit of an uphill battle for us and we are going to have to address that issue and it is very important to address because we can show that delays improve with the installation of roundabouts.

Councilman Louda said because if that ever goes forward and if it ever gets 4 lanes, servicing Lion Country Safari and the landfill, traffic will go through the roof.

Mr. Maxwell responded if it ever goes through we can ask them for 4 lane roundabouts.

Town Clerk Lippman said Jeff and I have talked about this and I think we need to move forward on this. He said but I would recommend to reverse the order. He said I think myself, Irv, Jeff, and Shelley should set up an appointment with Commissioner Santamaria and George Webb before we go into spending more money. He said I think it is important to find out what they are willing to do but I think we need a little support before we go into asking them to spend this money.

Mr. Maxwell responded my only concern is the 1st time we go in to meet with them we really have to go in with a very compelling case or their natural inclination will be to say no.

Town Clerk Lippman said so you will produce what this will cost internally so the Council is aware of it.

Mr. Maxwell responded yes.

**The MOTION passed unanimously 5-0.**

Mayor Browning moved to Item #16.

**16. Status of Moratorium Exemptions (Ordinance 2008-011)**

Town Clerk Lippman said this discussion has been going on for about 8 months and at this point the Town Council wanted an opportunity that should there be any businesses in this Town that are subject to Code Enforcement that due to the Moratorium there is no opportunity for them to comply. He said it is very important to the Town Council not to put any resident with a business in a position where they are stuck. He said so this Moratorium Exemption Ordinance allowed for these properties to go forward with the County. He said under Code Enforcement right now we have 4 particular cases this would apply to and one of them the Town Attorney is working with the Special Magistrate to give them additional time so they are not fined and the other 3 do now because of the Moratorium Exemption Ordinance have the opportunity to pursue County approval. He said the other part of this that was discussed is that when you get into the Land Use Plan Amendment Review Process that the County is not set up to review our LUPA based upon our potential adopted Comprehensive Plan, so at this point we do not have a mechanism so we are recommending that you wait until there is a process in place and should you want to pursue this immediately you can then direct us to get quotes and to hire a firm to help with the LUPA process at this point.

Town Attorney Tolces said we have currently available a process through the County where property owners can go and apply for development approvals if they are subject to this Code Enforcement and they need to come into compliance we've heard very strongly that process is not one in which property owners can easily afford or have the time to deal with, so the Council directed our office to look into alternative methods to process and we are in the process of developing a plan where- by property owners who are non-conforming uses would be able to come forward to the Town to be potentially approved. He said we hope to have that to you shortly and we can present that to you as a whole and then hopefully have it adopted as an Ordinance so those property owners can move forward. He said with respect to those property owners who are non-conforming and are currently cited under Code-Enforcement, those cases are being continued, so they are not really under any urgent duress at this time. He said I am assuming that if everything moves forward and an Ordinance is approved, I am assuming those cases may very well disappear or be dismissed. He said the issue that we are dealing with is with respect to the land use plan amendment process and what do we do to handle those property owners who want to begin whatever actions are necessary as far as review only for the application process, because right now the County won't accept them, so they are looking to the Town to say okay, what kind of process do you have in place, who do you have available to review those. He said so we need to focus on how do we get a process in place where someone who wants to begin the process of applying for a LUPA for a Comprehensive Plan that hasn't been approved by DCA yet to at least get in the door.

Vice-Mayor Lipp said I had this conversation with Town Attorney Tolces and DJ Goody from his firm, and I think to have an option for residents here is to have an Ordinance that would basically sunset their use and by that I mean when they go to sell their property it goes back to RR5 and we could put in there as long as someone within 1000 feet of them doesn't object and this would be under the umbrella love it or leave it alone. He said I think when someone is

interested in a land use change and a zoning change and all the ramifications that go with that, I think they need to wait until we get our Comprehensive Plan approved and our ULDC and LDR's done. He said I think if somebody wants to wait it will be this time next year, but in the mean time I don't see why we want to put them out of business, they will just fall into that continuance area. He said I think the Ordinance with some sort of a sunset and a peripheral of appropriate distance would be acceptable.

Town Attorney Tolces said we hope to have that to you shortly and we do need to address the LUPA issue as part of the Town's Moratorium, because we recognize that there is an exemption there so there is a certain responsibility to at least provide a window of opportunity for a property owner to submit an application. He said on the next Agenda we need to have discussion about the implications of either extending or not extending that Moratorium any further.

Vice-Mayor Lipp said well by May 15, 2009 we should know what the DCA has to say.

Town Attorney Tolces responded yes we will and for the Moratorium Ordinance we have to do advertising so we would have to plan on having the 1st reading by the 1st meeting in May.

Vice-Mayor Lipp said I think we are really looking at 2 separate things, we are looking at an Ordinance but then and as far as the land use goes, I personally don't see how we can move ahead because we don't have a Comprehensive Plan so we are sort of in a box. He said I think if we want to help folks move ahead with their projects we have to give them a window to do that but they have to understand that we don't have another way to go here because it is in DCA's hands.

Town Clerk Lippman asked Vice-Mayor Lipp to explain his thoughts on this Ordinance.

Vice-Mayor Lipp responded if one of these businesses wanted to sell their property they would have to sell it as a business and go through the process of becoming a business to sell it as one.

Town Clerk Lippman asked for clarification and said so the business would be allowed to exist as they do today and they can continue on.

Vice-Mayor Lipp said well I think we have to put some sort of time on it.

Town Attorney Tolces responded those are the things we would have discussions with you about.

Councilman Liang said well one thing I've been thinking is I don't think the Town of Loxahatchee is the first town to have this problem and I'm sure there is some precedence somewhere. He asked can we do some research to see what others have done and all the options we can due.

Town Attorney Tolces responded you are right Loxahatchee Groves is not the first municipality who has had to deal with this and each Community that has, has dealt with it in their own way. He said we can come up with a creative solution for you, we just need to make sure that it will be done legally and consistently.



Councilman Louda said I'm glad that Town Clerk Lippman asked for that clarification because that is the way I've always looked at it so let's do something for those people who are here now and have a business that is non-conforming, but if they sell it they are back to ground zero.

Councilman Liang asked well what if they are giving it to a son or daughter are they going to have to go through the whole process again.

Mayor Browning said I agree with this, but one of the things I think is if the person is using it as a business there should be a way for them to have to pay a business tax. He said we have businesses who pay quite a big tax and if these smaller stores are taking business from other businesses in Loxahatchee Groves that pay their taxes I don't know how we handle that but I want to be fair.

Town Attorney Tolces responded in addition to a sunset provision there may be a type of amortization period where you allow these businesses a certain period of time to apply for some type of exemption or approval and if you don't come in and apply then maybe you have a few years to meet legal requirements, and then if you don't the Town may have the right to take some type of action. He said but that addresses some of the concern of businesses who are having to pay their full share.

Councilman Louda said Beck is doing it right at the Red Barn and there are a lot of other places out here doing a lot of the similar things as him and aren't paying anything.

Mayor Browning said I saw in the paper the other day his business has dropped off 30% and we know there are other businesses that have started up that don't pay the taxes, so we just want to be fair to everyone.

Town Clerk Lippman asked are we asking to draft an Ordinance immediately before we do the LDR's.

Vice-Mayor Lipp responded immediately and asked Town Attorney Tolces when will you have it done.

Town Attorney Tolces responded you will have it approved in May.

Mayor Browning asked for comments from the Public.

**Mike O'Dell-O'Dell Land Planning Consultants-** introduced himself as the representative for Loxahatchee Equestrian Partners. He said I think what I saw in Staff's request tonight was basically you have been talking about your non-compliance /non conforming uses and in our case we are in compliance and yet we cannot seem to move our process forward. He said what we are suggesting you do is allow the County to take applications because as you know the LUPA that we are seeking pretty much follows the State requirements. He said that brings us to the actual implementation or the person who is going to take a look at this and as Staff has indicated you have 2 choices, a professional planner or the County. He said O'Dell has been actively working with the County and your Staff and I can tell you we would much rather work with your Staff as opposed to someone from the County. He said not knowing what you want to do out here doesn't get us where we want to be. He said us and our client participated in your Visioning Plan process and your Comprehensive Plan process and we have submitted the Plan to you in concept that we think meets your requirements and I think it has been 30 plus months,

that is 2.5 years to move that process forward and here we are again, now in a position again where we would like to make an application. He said as far as the implementation on that I think you have at least 3 planners who the Town has utilized who are very clear on your goals and objectives and have been participants with the Town. He said right now for what we are trying to accomplish, we have enough information to submit the Land Use Amendment application. He said we have the FAR's and we have enough to submit to the State. He said I think Staff is looking for direction on how you want to proceed and as Vice-Mayor Lipp said and we understand that if you don't move your Comprehensive Plan ahead, we understand we are going to sit and wait but from what I understand is the application is one issue and the implementation is another.

Town Clerk Lippman said if you look at the actual proposal this evening you have 2 options. The first is you stay status quo, you stay the way you are which means the process you would follow it after the Town has adopted its Comprehensive Plan and then retain the services of a planning firm to manage and facilitate the adopted LDR's, which means wait or you can go ahead and either retain a firm or go out for bid for a firm that will process this where you are at. He said there is no in between here, there is no mechanism for the application, there is no mechanism for review, it does not exist, the County will not do it. He said so you either can direct us to wait until you are ready, use a firm we have now, or go out for bid.

Vice-Mayor Lipp asked is Kevin McGinnley one of the firms.

Town Clerk Lippman said LRMI-Kevin McGinnley and Calvin-Giordano who has done our Comprehensive Plan are both equally ready to do it at no cost to the Town that would all have to be paid for by the applicant, but again we don't have that process set up, it doesn't exist as of right now.

Vice-Mayor Lipp asked can you explain to me what we would need to do to get Mr. O'Dell's project going since it is cost neutral to the Town.

Town Clerk Lippman said you would have to go through the process of developing the application and you would have to approve the application, and then the firm who is reviewing it would have to come up with a policy saying this is how we are doing this and once that is in place you can go ahead and review it, but once you do that and if we do this for Mr. O'Dell there is a possibility you could get 10-20 others and you have the obligation to do those as well.

Vice-Mayor Lipp said I understand that and I think we have been dragging our feet long enough on this.

Town Attorney Tolces said you can use the same forms as the County and change the name. He said Staff is looking for direction to get somebody who would be established and authorized to accept and review the applications.

Town Clerk Lippman said just to let you know I spoke to both firms and they can both handle it just fine.

**Vice-Mayor Lipp made a MOTION to direct Town Staff to develop the necessary application process and fee schedule for the submittal of LUPA's and to bring back at the next meeting the forms and fees for the individual firm- LRMI-Kevin McGinnley who**

**would review the application, SECONDED by Councilman Louda and discussion was then continued:**

Councilman Louda said revenue neutral is mentioned and that is for once they apply and asked what is it going to cost us to get to the point where they can apply.

Town Clerk Lippman said once we have an application available to the applicant, they will come in and get an application submittal package which will be provided by the firm. He said the only thing I have to do as a Staff member at that point is to take the package and they will have to bill the Town and whatever they bill will be picked up by the applicant so the minute they pick up that package the clock is ticking. He said you will have a simple and easy process.

**Dennis Koehler-** introduced himself and said I am an attorney and many years ago I was a County Commissioner. He said back then before all the rules and regulations were developed that we are operating under today, you would wheel and deal from the podium. He said things have changed dramatically and the result is these long involved discussions about Comprehensive Plan Amendments have to be puzzling for the people in the room and I want to comment on what you are about to act on tonight. He said without question the County process is time consuming, unyielding, and ridiculous. He said people are turning away from the County because of this. He said what you are about to go through tonight is equally unyielding. He said it is going to take time for your Comprehensive Plan to be adopted. He said I am here representing some people that were subject to Code Enforcement action who have non-conforming activities in your Town and when Councilman Liang asked a question earlier tonight, are there other municipalities who have had problems with non-conforming uses, the answer is yes. He said the answer is absolutely and The Town of Marathon down in the Keys is one for example. He said I have provided Vice-Mayor Lipp and Staff some suggestions for how you might want to go about it. He said and the absolute slam dunk would be for you to adopt a single sentence amendment to your Comprehensive Plan that says, all established non-residential intensities in existence on or before November 2006, shall be entitled to existing intensities. He said now Dennis Lipp with whom I've spoken and discussed the matter doesn't like that and would like to see some sort of time limit, but the problem is I don't think there is any room for those discussions to take place in the process you are talking about adopting. He asked what does that do to the non-conforming property owners. He said if the Staff and Counsel agree to withhold Code Enforcement fines for the next year, year and a half, well obviously my clients aren't going to complain about that. He said what I would prefer to see is the Council set aside some Public Workshop time to come in and really kick around what the other options are because I believe you could for example, decide to protect only those lawfully established non-conforming uses for a limited time period, as Vice-Mayor Lipp has suggested, you could extend that protection for a limited time period to all of the non-conforming uses including all those who never went through the process at the County and there are a lot of them. He said or you could acknowledge everyone's right to continued existence. He said my point is that the approach you are taking right now will be a temporary relief but I think the real relief you need, is along the lines that I've suggested and I haven't heard anything like that tonight. He said and while I appreciate the motivation, and Town Staff and Town Counsel, Vice-Mayor Lipp has been completely open in exchanging ideas, I just don't think the approach you are taking is going to offer much real relief to the non-conforming businesses and now these people are facing extinction and could have to spend a fortune in a process with the County. He said speaking on behalf of my clients I would like to see a simpler solution to go through the process.

Mayor Browning asked for comments from the Public.

**Cindy Corum, 2452 C Road-** said I have to strongly disagree with our new Vice-Mayor on the time line. She said I don't think you can arbitrarily pick a time line. She said I think the only fair date would be the day we became a Town.

Vice-Mayor Lipp responded fair point.

Councilman Louda said Mr. Koehler made it way too blatantly obvious that there has been engagement and conversation between him and Vice-Mayor Lipp and we have an Ethics Ordinance that everything has to go through Staff and be in meetings, so I am very disappointed that to me is right against our Ordinance.

Vice-Mayor Lipp responded I don't see it that way.

Councilman Louda said well I know you don't, but he is a representative of people trying to get land use changes.

Vice-Mayor Lipp responded the way I understand this is that these are already things that have gone to the Magistrate and it is literally out of our hands.

Councilman Louda said my whole point is if you need something from him the Town Clerk can get it and you can get it from him and he can pass it to all of us.

Councilman Louda said I am looking at it from a citizen point of view and what he just said.

Vice-Mayor Lipp responded well it is a done deal.

Councilman Louda responded well it is not a done deal because we really haven't come up with how these people are going to be affected down the road with Land Use changes and zoning implementation and such. He said what the Town does in the future is still going to directly reflect his clients and I thought we had an Ethics thing that anything coming to the Council has to be done in an open meeting. He said I've had people want to talk to me about things and I say absolutely not come to the meeting.

Town Attorney Tolces said there is currently isn't an application pending with the Town Council, and there is a provision in the Code of Ethics that says if there is no application pending, it is the Town Council Member's discretion as to whether or not to decide to meet with the individual.

Councilman Louda said I may have misinterpreted it, but what I got was a lot of personal back and forth stuff here on things that have to be decided by the Town Council.

Mr. Koehler kept trying to interrupt and Mayor Browning didn't allow him to.

**The MOTION passed unanimously 5-0.**

Mayor Browning moved to Item #17.

**17. American Cancer Society Relay for Life Lox. Citizens Group**

Town Clerk Lippman said in receiving an email interaction from Darlene Crawford who is the leader of the Loxahatchee Groves Citizen Team for the American Cancer Society Relay for Life, as well as, Councilman Louda asking this Item to be on the Agenda to show some support of the Town for the team and Town Staff is recommending a donation of \$100.00 and just to let you know, a donation to the team is a donation to the American Cancer Society.

**Councilman Louda made a MOTION to authorize Town Staff to donate \$100.00 to support the Loxahatchee Groves Citizens Team for Relay for Life for the American Cancer Society, SECONDED by Councilman Liang and the MOTION passed unanimously 5-0.**

Mayor Browning moved to Item #18.

**18. Appt./Replacement of Loxahatchee Groves Representatives:**

- a. Palm Beach County League of Cities**
- b. Palms West Chamber of Commerce**
- c. Western Communities Council**
- d. Participation in Emergency Management Meetings**

Town Clerk Lippman said in transition with the new Town Council, there are 4 openings in which an elected official needs to be appointed.

**Councilman Louda made a MOTION to designate Councilman Liang as the new PBC League of Cities representative from the Town, SECONDED by Vice-Mayor Lipp and the MOTION passed unanimously 5-0.**

**Councilman Louda made a MOTION to appoint the remaining Town Council Members as alternatives to Councilman Liang for as representatives to the PBC League of Cities representatives from the Town, SECONDED by Vice-Mayor Lipp and the MOTION passed unanimously 5-0.**

**GENERAL CONSENSUS WAS GIVEN FOR VICE-MAYOR LIPP TO BE THE NEW REPRESENTATIVE TO THE PALMS WEST CHAMBER OF COMMERCE FROM THE TOWN**

**GENERAL CONSENSUS WAS GIVEN FOR MAYOR BROWNING TO BE THE NEW REPRESENTATIVE TO WESTERN COMMUNITIES COUNCIL COMMERCE FROM THE TOWN**

**GENERAL CONSENSUS WAS GIVEN FOR COUNCILMAN JARRIEL TO BE THE NEW REPRESENTATIVE TO PARTICIPATE IN EMERGENCY MANAGEMENT MEETINGS FROM THE TOWN**

Councilman Jarriel said Marge is well known in the Community and asked

Mayor Browning moved to Item #19.

**19. March 13, 2009 Intergovernmental Coordination Meeting**

Town Clerk Lippman asked Councilman Louda to just pass out his notes from the meeting instead of going over them in the interest of time (see below).

Councilman Louda noted he couldn't make the IGC Meeting on April 24, 2009.

**Councilman Louda made a MOTION to designate Councilman Jarriel as his replacement at the next IGC Meeting on April 24, 2009, SECONDED by Vice-Mayor Lipp and the MOTION passed unanimously 5-0.**

After realizing the meeting was not scheduled for April 24, 2009 but for April 17, 2009:

**Councilman Louda rescinded his MOTION to designate Councilman Jarriel as his replacement at the next IGC Meeting on April 24, 2009, and the SECOND was rescinded by Vice-Mayor Lipp and the MOTION passed unanimously 5-0.**

***Drs. J. William and Deborah W. Louda***  
***Standing Waters Estate***  
***P.O. Box 1238, 1300 E Road***  
***LOXAHATCHEE GROVES, FLORIDA 33470***



**MEMORANDUM**

**TO:** Mayor David Browning, Councilman Ron Jarriel, Councilwoman Ryan Liang, Councilman Dennis Lipp, Town Staff cc:LGWCD

**FROM:** Dr. J. William Louda, Councilman (Seat #2)

**DATE:** APRIL 7

**SUBJECT:** Report on Fourth Intergovernmental (ToLG / LGWCD) Coordination Meeting (ICM) held on Friday March 13, 2009.

The 4th. ICM was held as publicized on Friday March 13, 2009.

LGWCD Supervisor Robert Snowball replaced Supervisor John Ryan as the district's representative. Mr. Ryan was present to provide a smooth transition. I (Seat #2) shall try to do the same when Mr. Ryan Liang (seat #3) replaces me in May 2009 as the Town's representative (NOTE: This is known in advance as the Town voted previously to rotate representation based on seat number).

I asked that Agenda items #10 and 12 be combined as they had significant overlap (Mr. Snowball, not John Ryan as stated in the LGWCD draft minutes, seconded that motion.

Comments here are actually (?) abbreviated, as the minutes supplied by Mrs. Lynnette Ballard accurately represent the meeting.

**AGENDA ITEM #6: Water conservation / fire suppression.** I have filed a separate report which was included with the agenda packet for the March 3rd ToLG meeting. That report detailed the meeting that I and town staff attended with Palm Beach County Fire rescue on February 19, 2009. Given the P. B. Co. Fire-Rescue 10 foot lift limit for static wells, I recommended that we pursue reclaimed water use for fire suppression back up. This would also provide irrigation water and that would replenish the surficial aquifer in a legal and environmentally sound manner. Mr. Saunier was quite adamant that we should be able to put reclaimed water directly into our canals. I have been in continuous contact with the FDEP, as I am the FAU liaison officer with them, and have asked for confirmation of that fact. It has been reconfirmed. Reclaimed water cannot be discharged directly into

surface waters. It can however be allowed to percolate through vegetation into subsurface aquifers. I note that Mr. Jarriel at the March 3rd ToLG meeting mention that reclaimed water was put into the Everglades. It is NOT! During the ICM, I stated that I believed that the use of reclaimed water would be a much better socioeconomic and growth management move when compared to running potable lines throughout the Groves. My reasons involve not creating the angst of perceived or eventual forced hook-up and once potable was in, sewerage and petitions for increased density and intensity would follow, as it historically does.

**AGENDA ITEM #7: Coordination between Town & LGWCD relating to the Town Comprehensive Plan.** Town Manager, Dr. Irv Rosenbaum, covered the fact that the LGWCD had issued a letter in support of the Town's Comprehensive Plan. That letter specifically stated that the LGWCD was satisfied that all of its issues were addressed. I asked why the LGWCD then stayed filed as an affected party. We were told by Mr. Saunier that that was so they could intervene in support. Any party is legally able to come forward in support of Comp Plans. However, only registered affected parties may intervene in opposition. Thus, I remain confused on this point.

**AGENDA ITEM #8: Road Maintenance Responsibilities and Jurisdiction:** Nothing new. We found no reason to discuss this issue.

**AGENDA ITEM #9: Coordination between Town and LGWCD relating to Road Improvements:** The minutes provided by LGWCD (L. Ballard) reflect the majority discussion as pertaining to OGEM. North A Road was approved and South B Road was not approved by acreage vote of the served landowners on those sections.

What was not covered in the minutes was the beginning of a discussion between the ToLG and LGWCD pertaining to the use of the west side of the canal (the LGWCD right-of-way / easement) as an equestrian / pedestrian trail. This was specifically discussed pertaining to North A Road as its coverage with OGEM awaits only establishment of the finance vehicle (loan to which all land owners on the North A Road service area will contribute payment). Thus, this was the start of a dialog to be proactive in providing for this required element within the community. We now need to follow through with cooperative efforts to get this done. That is, can the LGWCD and the Town co-fund (LGWCD likely by in-kind funding; i.e. labor etc.) to have a trail and requisite fencing constructed.

As a personal observation, I would recommend that an equestrian group, existing or to be organized, get involved. There are many many equestrians here and I hear only complaints and see no active / constructive efforts / involvement from this section of our community.

**AGENDA ITEMS #10 & 12: 40th Street North / North Road Canal and Coordination of Equestrian Trails:** A 40th Street Landowners, Town and LGWCD joint public meeting was to be scheduled for April 18th or 25th. It has now been scheduled for May 2nd at Loxahatchee Groves Elementary School.

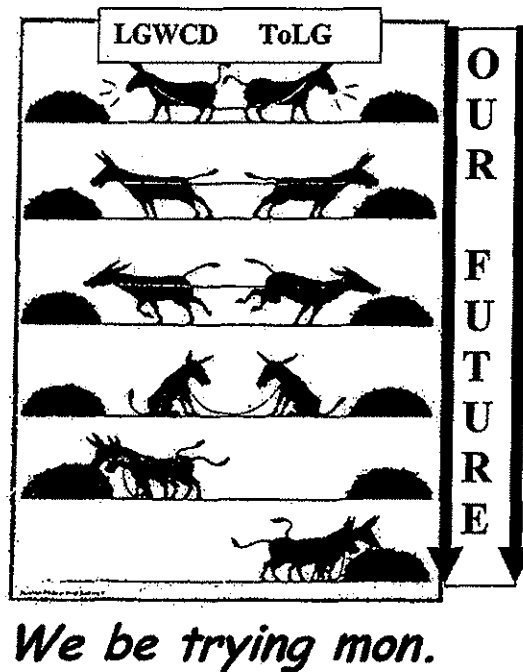


No discussion of Equestrian Trails, beyond that under Item # 9, occurred. As this meeting was to be on April 18 or 25, I made other commitments for May 2 and cannot attend. I shall, however, file a short (well, maybe short) statement to be read into the record.

**AGENDA ITEM #11. Federal Funding Sources;** The projects that were put forward were found not to meet the Federal guidelines. Specifically, the Town did not already have the rights-of-way and stimulus money will not be allocated for projects that may be tied up in purchasing lands. Thus, these projects (Okeechobee traffic control) are being covered (Item #15) at the April 7th Town meeting under Local Agency Program (LAP) considerations

**AGENDA ITEM #13: Next Meeting;** Next meeting was scheduled for Friday April 17th at 2:00PM in the LGWCD headquarters.

As this will be my last meeting and as Mr. Liang will replace me, I recommend that he attend in order to affect the smoothest transition possible.



**20. Administration Update**  
**a. Code Enforcement Update**

Town Clerk Lippman said everything is self explanatory with this so in light of time we can move on.

Mayor Browning moved to Item #21.

**21. Public Comments**

**Sheryl Burdick, 13771 Okeechobee Boulevard, Jesus Our Savior Church-** said I am speaking for Jesus Our Savior Church and we used to have a yard sale there and I am wondering what we needed to do so we could start it back up again.

Town Clerk Lippman responded I would recommend you call me at the office and we can set up an appointment so I can help you.

**Frank Schiola, 13434 Marcella Boulevard-** said I talked to Councilman Liang and Councilman Jarriel and Vice-Mayor Lipp about this and we have a problem that is growing and that is more illegal dumping going on in Loxahatchee Groves. He said Code Enforcement is in Fort Lauderdale and it takes them awhile to get up here. He said and the garbage company has been tagging debris piles instead of picking them up and the trucks are speeding up and down the roads. He said I've talked about this numerous times but what is happening is things are only getting worse and not better and we need somebody out there that is going to be watching out for the people of Loxahatchee Groves. He said and another thing is I am an advocate of trying to keep the money in Loxahatchee Groves as much as possible and we have a few people who have most of the contracts in Loxahatchee Groves and yet I have never seen them sponsor any of the events in Loxahatchee Groves. He said I don't see NCS or the Town Attorney or Calvin-Giordano's name on any of these events. He said we have Loxahatchee Groves Girl Scouts and Boy Scouts and the Loxahatchee Groves Elementary School Carnival and the CERT team and as long as you are getting money from Loxahatchee Groves you should give a little back.

Councilman Louda asked about recourse of illegal dumping.

Town Clerk Lippman said I will address that in my comments.

**Cindy Corum, 2452 C Road-** said I have been reviewing the Town financials and I am getting concerns. She said I am seeing significant irregularities, mostly in our spending, and I just submitted a few of the following examples. She mentioned Code Enforcement being one example which I see has been rectified. She said at the October meeting I remember Matthew said since we went to suspending anonymous complaints things have slowed down dramatically, so my question is why didn't the price come down until next week, and also the Special Magistrate Hearings, on April 1 last year the Town Council voted on and approved a \$50.00 Administrative Fee to recoup the costs and yet that never happened, they were charging \$750.00 to every resident for administrative fees, and I just wanted to know, when did this change, who decided it, who approved it. She said I mean what is the point in

having our Council vote on something if the decision is to be totally disregarded by the Town employees. She said and then I noticed 5 days after I sent my email inquiry to Matthew inquiring on this very subject there was another hearing and now the fees have suddenly reduced to \$400.00 and again who makes these decisions. She said it doesn't seem fair that people paid \$750.00 all summer and then these people pay \$400.00. She said I was also wondering does the money go to directly to the Town or does they go to the Code Enforcement. She said the Special Magistrate's pay scale we are so out of whack on this. She said we also overpaid the lobbyist by \$2000.00-she was paid 2x for the month of August and I can't believe that nobody caught this, I mean even Brosemer herself didn't catch this. She said and we are also spending an excessive amount in our Legal Budget, we have the highest out of 25 cities I researched. She said everyone pays less than 1% of their budget and we are at 7%. She said I think that is a pretty good sampling. She said I think in the Community we have the case of the fox guarding the hen house in Loxahatchee Groves. She said I don't know if these people police themselves, and I would like to ask the Council to conduct an independent review of the Town payment practices and it doesn't have to cost anything. She said we can get a small citizen's committee to look at the books and see if we are in line with what other cities are spending, these are our tax dollars and I was wondering if we could look at the books and see where we can save something.

Councilman Louda said a lot of these points are very good except for on Legal I would make it a point as to how many of these cities are just starting up and going through a Comprehensive Plan, etc.....and go back to when they first started.

**Darlene Crawford, 3057 E Road-** said the Relay for Life for the American Cancer Society is next Friday, April 17, 2009 and if there is anyone who wants to donate money, please see me. She said the Firefighters Union guy that was here tonight donated money and she said and anyone who just wants to participate, just show up.

**Sundar Heeraman, 1059 B Road-** said the garbage collection since last year I am just sick of it. He said my neighbor cut 2 pine trees down and they are still there about 10 months plus. He said I put some piles out and they haven't been touched. I am totally against these guys. He said when Onyx was here we never had any problems. He said we paid more money yes.

Mayor Browning asked Town Clerk Lippman to call Waste Pro for Mr. Heeraman.

Town Clerk Lippman said he would address that in his comments and he has already taken care of it.

Mayor Browning moved to Item #22.

## **22. Town Clerk & Manager Comments**

Town Clerk Lippman said I have notes of everything that was brought up by Cindy and some others and I will provide answers to everybody. He said I am encouraging everyone on the Town Council, as well as, Mr. Schiola that he is a very valuable resource to this Town when it comes to garbage, but it is not valuable when you don't work with Town Staff. He said we have a system set up with Waste Pro, Michelle, and myself so come see us and if we want this problem solved, let's work on this together, we work for these people every day, but surprising

me at a meeting doesn't work for me. He said I think that is a shame that my support for the Town was questioned because I didn't open my wallet, I think that is a shame and uncalled for. He said in referencing all the financial issues I will address that in a Memo. He said for the Special Magistrate the fee is \$185.00 per hour which is what Legal pays and the time that they bill is not just the time they are here but the time that they prepare the orders, as well. He said all the financial information has been Public knowledge in the 2 years I have been here and has been received by the Council, goes on the website, and are always available to the Public. He said the Mayor comes in and signs all the checks with me and reviews all the invoices. He said in reference to the garbage, 6 cubic yards it is not a lot. He said about 70% of this Community does not need unlimited and 30% do and it is unfair to make all the residents pay for that service when they don't need it. He said I have communicated with Waste Pro and there are things they can do and this is about synergy and working together.

Mayor Browning moved to Item #23.

### **23. Town Attorney Comments**

Town Attorney Tolces said we had a telephone conversation with Richard Post about the Town's Comprehensive Plan, and we are hopeful that based upon our conversation we will have a good finding with respect to the Comprehensive Plan next week. He said related to that I received a letter from Lewis, Longman and Walker that was in response to comments that we had previously provided and I got this letter this afternoon and we will be reviewing the letter with Shelley and with Matt and see what the appropriate step will be. He said we filed the petition to intervene in the West Palm Beach Roebuck Road matter, it's likely the City might challenge our right to intervene since we didn't provide comments during the adoption process, so we will have to see what happens with that.

Mayor Browning moved to Item #24.

### **24. Council Member Comments**

Councilman Louda passed out a letter he sent out in opposition of Section 21, Amendment 3 to PCB ANR 09-02. He also handed out a letter he sent to DCA rebutting everything Callery Judge said and asking DCA to look at where their comments are coming from. He said and from the minutes from the meeting I missed in March (March 3, 2009), Councilman Jarriel said that reclaimed water has been put in the Everglades and no, it has not.

Councilman Jarriel responded that is what I said I was told. He said whoever told you that is wrong. He said in fact you can't put City Water into the Everglades because it is too high in phosphorus.

Councilman Louda commented with fireworks, besides education I really think we should have some kind of extra enforcement out here and if not enforcement with tickets then at least with a Sheriff stopping by with warnings. He said I would like to schedule a meeting with Beavin Beaudet from SFWMD about reclaimed water this week.

Town Clerk Lippman responded I already called and he was out of town, but I will follow up and get you a meeting.

Councilman Louda commented I am also following up with the House of Representatives to see if there is any way we can actually get control of the waters within our District. He said there is a law out there for municipalities. He said good job, long meeting, Thanks for staying Clete.

Town Attorney Tolces said I will look into that.

Mr. Saunier commented he would like to go to the reclaimed water meeting with Mr. Beaudet.

Councilman Liang commented I am tired, let's go home.

Councilman Jarriel commented I'll save mine till next time, let's go home.

Vice-Mayor Lipp commented thanks for the confidence in voting me Vice-Mayor. He said with all the good things that came out tonight, being accused of an Ethics violation by Councilman Louda, I have been down that road before and don't want to go there again. He said there is no intent on my point to do anything wrong with this Town.

Councilman Louda said I fully apologize, I brought it up before a citizen brought it up because there was an awful lot of he said, I said, I've been provided.

Vice-Mayor Lipp said well if we get to that point where we can't talk to anyone outside of this room, why would anyone ever want to go to a LOC Meeting where they could be seen talking to somebody. He said other than that, it was a long meeting.

Mayor Browning commented thank you all very much.


Mayor Browning moved to Item #25.

## 25. Adjournment

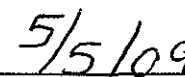
**Vice-Mayor Lipp MOTIONED to adjourn the meeting, SECONDED by Councilman Liang and the Motion passed unanimously 5-0.**

There being no further discussion and no additional public comment the meeting was adjourned at 10:53 p.m.

ATTEST:

  
Matthew Lippman, Town Clerk

  
MAYOR DAVE BROWNING

  
Date Approved